

F-6756

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toku ISHII, et al.
Serial No. : 09/762,362
Filed : February 5, 2001
For : SPACER FOR OPTICAL FIBER CABLE,
METHOD FOR PRODUCING SAID SPACER,
AND OPTICAL FIBER CABLE USING SAID
SPACER

Group Art Unit : 2874
Examiner : Jerry T. RAHLI

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SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Sir:

6756 res rast req supp (PC9).wpd

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INTRODUCTORY COMMENTS:

Supplemental to te Response to Restriction Requirement filed on July 18,
2003 applicant submits the Remarks presented below.

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REMARKS

The present application is a National Stage PCT Application filed under 35 USC §371. Accordingly, election of an invention is not required where a unity of invention exists among the claims. PCT Rules 13.1 and 13.2 are to be followed in making a unity of invention determination.

The Office Action is distinguishing between a product and a process for making the product. However, Rule 13 permits such a combination of claims. Specifically, it is stated that "in addition to an independent claim for a given product, an independent claim for a process specifically adapted for the manufacture of said product" is permitted. MPEP §1850 "*Combinations of Different Categories of Claims.*" A process is specially adapted "if the claimed process inherently results in the claimed product with the technical relationship being present between the claimed product and claimed process." *Id.* Furthermore, it does not matter if the product can be made by another process. Thus, the statement in the Office Action that the "claims of Group II do not have a special technical feature . . . Therefore, Groups I and II do not share a special technical feature and the application lacks unity.

In view of the above, reconsideration and withdrawal of the restriction requirement are respectfully requested.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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